

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

TREY GREENE, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

ZAC PRINCE, FLORI MARQUEZ, TONY  
LAURA, JENNIFER HILL and GEMINI  
TRADING, LLC

Defendants.

Case No. 2:23-CV-01165-KM-LDW

**DECLARATION OF HOWARD T. LONGMAN IN SUPPORT OF THE  
MOTION OF YACOV BARON TO BE APPOINTED LEAD PLAINTIFF  
AND APPROVE HIS CHOICE OF COUNSEL**

Howard T. Longman declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am the principal at the firm Longman Law, P.C., counsel for lead plaintiff movant Yacov Baron. (“Movant Baron”) and am admitted to practice before this Court and in the State of New Jersey.
2. I make this Declaration in further support of the Motion of Movant Baron to be appointed lead plaintiff and approve of his choice of counsel.
3. Movant Baron invested in BLI securities during the Class Period described below and is a resident of New Jersey.
4. Attached hereto as Exhibit A is a true and correct copy of notice disseminated by Plaintiff Trey Greene on March 1, 2023 via *PR Newswire* pursuant to the Public Securities Litigation Reform Act of 1995 on behalf of purchasers of unregistered BlockFi Interest Accounts (“BIAs”)

between March 4, 2019 and November 10, 2022. (the “Class Period”).

5. Attached hereto as Exhibit B is a true and correct copy of the Certification Pursuant to Federal Securities Law of: Movant Yaacov Baron.

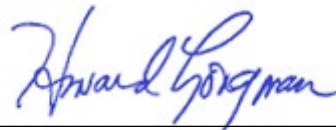
6. Attached hereto as Exhibit C is a true and correct copy of a chart of the transactions of Movant Baron in the subject securities showing the sum of his damages.

7. Attached hereto as Exhibits D is a true and correct copy of the current resume of Longman Law, P.C.

8. Attached hereto as Exhibit E is a true and correct copy of the current resume of Kantrowitz Goldhamer & Graifman, P.C.

9. I declare under the penalty of perjury that the foregoing is true and correct.

Executed on May 1, 2023 in Livingston, New Jersey.



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Howard T. Longman

# EXHIBIT A



Squitieri & Fearon LLP and Moore Kuehn PLLC File Class Action Suit Against BlockFi, Inc. founder Zac Prince, et al.

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**Printed By:** HLONGMAN1 on Wed, 26 Apr 2023 17:53:25 -0400

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## Squitieri & Fearon LLP and Moore Kuehn PLLC File Class Action Suit Against BlockFi, Inc. founder Zac Prince, et al.

Published: Wed Mar 01 01:38:01 EST 2023

# Squitieri & Fearon LLP and Moore Kuehn PLLC File Class Action Suit Against BlockFi, Inc. founder Zac Prince, et al.

PR Newswire

NEW YORK, March 1, 2023

NEW YORK, March 1, 2023 /PRNewswire/ -- Squitieri & Fearon LLP and Moore Kuehn PLLC today filed a class action to represent stockholders of BlockFi, Inc. ("BlockFi") who purchased their BlockFi unregistered BlockFi Interest Accounts ("BIAs") between March 4, 2019 and November 10, 2022 (the "Class Period").

This class action was filed in the District of New Jersey captioned *Trey Greene, Individually and on Behalf of All Others Similarly Situated v. Zac Prince, et al.*, Case No. 2:23-cv-01165 ("the *BlockFi* action").

The Private Securities Litigation Reform Act of 1995 permits any investor who purchased BIAs during the Class Period to seek lead plaintiff in the *BlockFi* class action lawsuit. A lead plaintiff is generally the movant with the greatest financial interest in the relief sought by the putative class who is also typical and adequate of the putative class. A lead plaintiff acts on behalf of all other class members in directing the *BlockFi* action.

The lead plaintiff can select their law firm to litigate the *BlockFi* action. An investor's ability to share in potential future recovery of the *BlockFi* action is independent upon serving as lead plaintiff. If you seek lead plaintiff in the *BlockFi* action, you must move the Court no later than 60 days from February 28, 2023. If you wish to discuss the *BlockFi* action or have questions concerning this notice, please contact plaintiff's counsel, Lee Squitieri of Squitieri & Fearon LLP at (212) 421-6492 or via e-mail at [lee@sfclasslaw.com](mailto:lee@sfclasslaw.com) or Fletcher Moore of Moore Kuehn PLLC at (212) 709-8245 or via e-mail at [fmoore@moorekuehn.com](mailto:fmoore@moorekuehn.com)

The *BlockFi* action charges BlockFi officers with violations of securities laws. The complaint alleges class members were sold unregistered securities by the crypto company BlockFi, Inc., a company controlled by Defendants Zac Prince, Flori Marquez, Tony Laura, and Jennifer Hill (collectively "BFI Defendants"). The unregistered securities sold by the BFI Defendants were marketed and sold via misrepresentations and material omissions over several years and through intermittent misrepresentations by Defendant Gemini Trading LLC.

Prince's and Marquez's misrepresentations about BlockFi started to unravel when, among other things, California's financial regulator revoked BlockFi's lending license for failure to comply with California loan underwriting standards concerning the creditworthiness of borrowers and their ability to repay loans. Thereafter, additional disclosures established the extent and materiality of Prince and Marquez' misrepresentations during the Class Period.

Squitieri & Fearon represents investors in securities litigation. Squitieri & Fearon attorneys are consistently recognized by courts, organizations and the media as leading lawyers in the industry. Please visit <http://www.sfclasslaw.com>.

Contact:

Squitieri & Fearon  
Lee Squitieri (212) 421-6492  
[lee@sfclasslaw.com](mailto:lee@sfclasslaw.com)

or

Moore Kuehn  
Fletcher Moore (212) 709-8245  
[fmoore@moorekuehn.com](mailto:fmoore@moorekuehn.com)

View original content to download multimedia:<https://www.prnewswire.com/news-releases/squitieri--fearon-llp-and-moore-kuehn-llc-file-class-action-suit-against-blockfi-inc-founder-zac-prince-et-al-301759082.html>

SOURCE Moore Kuehn, PLLC

-0- Mar/01/2023 06:38 GMT

# EXHIBIT B

**CERTIFICATION PURSUANT TO FEDERAL  
SECURITIES LAWS**

Yacov Baron declares:

1. I have reviewed the Class Action Complaint filed in this action ( the “Complaint”).
2. I did not acquire the securities that are the subject of this action at the direction of counsel or in order to participate in this private action or any other litigation under the federal securities laws.
3. I am willing to serve as a representative party on behalf of the Class (as defined in the Complaint), including providing testimony at deposition and trial, if necessary.
4. I have made the following transaction(s) in the securities that are the subject of this action during the Class Period set forth in the Complaint: **See Attached Schedule A.**
5. I have not sought to serve or served as a representative party in a class action that was filed under the federal securities laws within the three-year period prior to the date of this Certification.
6. I will not accept any payment for serving as a representative party on behalf of the Class beyond my pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the Class as ordered or approved by the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27<sup>th</sup> day of April 2023.

  
\_\_\_\_\_  
Yacov Baron



**SCHEDULE A**

<b>Cryptocurrency</b>	<b>Amount</b>	<b>Transaction Type</b>	<b>Confirmed At</b>
BUSD	\$100.00	BIA Withdraw	11/15/2022 21:18
GUSD	\$25,000.00	BIA Deposit	11/1/2022 22:57
GUSD	\$25,000.00	Ach Deposit	11/1/2022 22:47
GUSD	\$860.11	Interest Payment	10/31/2022 23:59
BUSD	\$11.92	Interest Payment	10/31/2022 23:59
PAX	\$11.92	Interest Payment	10/31/2022 23:59
USDC	\$11.92	Interest Payment	10/31/2022 23:59
GUSD	\$25,000.00	BIA Deposit	10/31/2022 14:13
GUSD	\$25,000.00	Ach Deposit	10/31/2022 14:13
GUSD	\$25,000.00	BIA Deposit	10/29/2022 23:38
GUSD	\$25,000.00	Ach Deposit	10/29/2022 23:37
GUSD	\$15,000.00	BIA Deposit	10/28/2022 17:30
PAX	\$20,000.00	BIA Deposit	10/28/2022 17:29
GUSD	-\$20,000.00	Trade	10/28/2022 17:29
PAX	\$20,000.00	Trade	10/28/2022 17:29
BUSD	\$20,000.00	BIA Deposit	10/28/2022 17:28
GUSD	-\$20,000.00	Trade	10/28/2022 17:28
BUSD	\$20,000.00	Trade	10/28/2022 17:28
USDC	\$19,000.00	BIA Deposit	10/28/2022 17:27
GUSD	-\$19,000.00	Trade	10/28/2022 17:27
USDC	\$19,000.00	Trade	10/28/2022 17:27
USDC	\$1,000.00	BIA Deposit	10/28/2022 17:26
GUSD	-\$1,000.00	Trade	10/28/2022 17:26
USDC	\$1,000.00	Trade	10/28/2022 17:26
GUSD	\$25,000.00	Ach Deposit	10/28/2022 17:25
GUSD	\$25,000.00	Ach Deposit	10/27/2022 13:25
GUSD	\$25,000.00	Ach Deposit	10/26/2022 23:04
GUSD	\$1,315.07	Term Loan Interest Payment	10/20/2022 17:41
GUSD	\$1,315.07	BIA V2 Locked Funds	10/20/2022 0:00
GUSD	\$25,000.00	BIA Deposit	10/13/2022 3:30
GUSD	\$25,000.00	Ach Deposit	10/13/2022 0:58
GUSD	\$664.07	Interest Payment	9/30/2022 23:59
GUSD	\$200,000.00	BIA V2 Locked Funds	9/14/2022 0:00
GUSD	\$1,209.37	Interest Payment	8/31/2022 23:59
GUSD	\$1,203.40	Interest Payment	7/31/2022 23:59
GUSD	\$983.19	Interest Payment	6/30/2022 23:59
GUSD	\$1,011.76	Interest Payment	5/31/2022 23:59
GUSD	-\$16,000.00	Ach Withdrawal	5/19/2022 7:04
GUSD	-\$100,000.00	Ach Withdrawal	5/12/2022 7:05
GUSD	\$1,145.34	Interest Payment	4/30/2022 23:59
GUSD	\$16,000.00	Ach Deposit	4/26/2022 18:20
GUSD	\$100,000.00	Wire Deposit	4/26/2022 17:32
GUSD	\$1,359.21	Interest Payment	3/31/2022 23:59
GUSD	\$1,345.48	Interest Payment	2/28/2022 23:59

**SCHEDULE A**

GUSD	\$1,815.64	Interest Payment	1/31/2022 23:59
GUSD	-\$20.00	Withdrawal Fee	1/13/2022 21:18
GUSD	-\$99,980.00	Wire Withdrawal	1/13/2022 21:18
GUSD	\$2,171.58	Interest Payment	12/31/2021 23:59
GUSD	\$25,000.00	Ach Deposit	12/2/2021 22:58
GUSD	\$655.88	Interest Payment	11/30/2021 23:59
GUSD	\$25,000.00	Ach Deposit	11/30/2021 18:29
GUSD	\$100,000.00	Wire Deposit	11/30/2021 18:28
GUSD	\$25,000.00	Ach Deposit	11/29/2021 22:31
GUSD	\$20,000.00	Ach Deposit	11/25/2021 17:50
GUSD	\$25,000.00	Ach Deposit	11/24/2021 15:02
GUSD	\$24,000.00	Ach Deposit	11/12/2021 2:37
GUSD	\$25,000.00	Ach Deposit	11/10/2021 19:02
GUSD	\$374.30	Interest Payment	10/31/2021 23:59
GUSD	\$329.81	Interest Payment	9/30/2021 23:59
GUSD	\$343.45	Interest Payment	8/31/2021 23:59
GUSD	\$5.90	Bonus Payment	8/13/2021 23:59
GUSD	\$342.01	Interest Payment	7/31/2021 23:59
GUSD	\$380.69	Interest Payment	6/30/2021 23:59
GUSD	\$390.64	Interest Payment	5/31/2021 23:59
GUSD	\$375.50	Interest Payment	4/30/2021 23:59
GUSD	\$374.09	Interest Payment	3/31/2021 23:59
GUSD	\$50,000.00	Wire Deposit	3/1/2021 18:46
GUSD	\$2.26	Interest Payment	2/28/2021 23:59
GUSD	\$5,000.00	Ach Deposit	2/26/2021 0:55

# EXHIBIT C

**Chart of Yacov Baron's BIA Transactions, Showing the Sum of His Damages:**

<b>Cryptocurrency</b>	<b>Amount</b>	<b>Transaction Type</b>	<b>Confirmed At</b>
GUSD	\$25,000.00	Ach Deposit	11/1/2022 22:47
GUSD	\$860.11	Interest Payment	10/31/2022 23:59
BUSD	\$11.92	Interest Payment	10/31/2022 23:59
PAX	\$11.92	Interest Payment	10/31/2022 23:59
USDC	\$11.92	Interest Payment	10/31/2022 23:59
GUSD	\$25,000.00	Ach Deposit	10/31/2022 14:13
GUSD	\$25,000.00	Ach Deposit	10/29/2022 23:37
GUSD	-\$20,000.00	Trade	10/28/2022 17:29
PAX	\$20,000.00	Trade	10/28/2022 17:29
GUSD	-\$20,000.00	Trade	10/28/2022 17:28
BUSD	\$20,000.00	Trade	10/28/2022 17:28
GUSD	-\$19,000.00	Trade	10/28/2022 17:27
USDC	\$19,000.00	Trade	10/28/2022 17:27
GUSD	-\$1,000.00	Trade	10/28/2022 17:26
USDC	\$1,000.00	Trade	10/28/2022 17:26
GUSD	\$25,000.00	Ach Deposit	10/28/2022 17:25
GUSD	\$25,000.00	Ach Deposit	10/27/2022 13:25
GUSD	\$25,000.00	Ach Deposit	10/26/2022 23:04
GUSD	\$1,315.07	Term Loan Interest Payment	10/20/2022 17:41
GUSD	\$25,000.00	Ach Deposit	10/13/2022 0:58
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GUSD	\$100,000.00	Wire Deposit	11/30/2021 18:28
GUSD	\$25,000.00	Ach Deposit	11/29/2021 22:31
GUSD	\$20,000.00	Ach Deposit	11/25/2021 17:50

GUSD	\$25,000.00	Ach Deposit	11/24/2021 15:02
GUSD	\$24,000.00	Ach Deposit	11/12/2021 2:37
GUSD	\$25,000.00	Ach Deposit	11/10/2021 19:02
GUSD	\$374.30	Interest Payment	10/31/2021 23:59
GUSD	\$329.81	Interest Payment	9/30/2021 23:59
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GUSD	\$342.01	Interest Payment	7/31/2021 23:59
GUSD	\$380.69	Interest Payment	6/30/2021 23:59
GUSD	\$390.64	Interest Payment	5/31/2021 23:59
GUSD	\$375.50	Interest Payment	4/30/2021 23:59
GUSD	\$374.09	Interest Payment	3/31/2021 23:59
GUSD	\$50,000.00	Wire Deposit	3/1/2021 18:46
GUSD	\$2.26	Interest Payment	2/28/2021 23:59
GUSD	\$5,000.00	Ach Deposit	2/26/2021 0:55
<b>Total</b>	<b>\$417,694.50</b>		

# EXHIBIT D

## LONGMAN LAW, P.C.

354 Eisenhower Parkway, Suite 1800  
Livingston, NJ 07039  
Tel: (973) 994-2315  
Fax: (973) 994-2319

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### BRIEF BIOGRAPHY OF LONGMAN LAW AND HOWARD T. LONGMAN

Longman Law, P.C. is the practice of principal Howard T. Longman, Esq., a highly successful class actions attorney with over thirty-five years of experience. Prior to starting his own practice in 2021, he was a senior attorney at the firm Stull, Stull & Brody which was one of the pioneering firms in the field of securities class actions at which Mr. Longman also initiated the consumer class action practice. Mr. Longman has obtained hundreds of millions of dollars in settlements for his clients and was named a Super Lawyer by *Super Lawyer* magazine in 2014-2017. He has served as lead or co-lead counsel on numerous cases involving violations of federal securities laws. In addition, he has been a class counsel in numerous consumer class actions litigating state law consumer statutes, including the New Jersey Consumer Fraud Act, in addition he is currently serving as has served as a member of Plaintiff's Executive Committee in Multi-District Litigation consumer class actions. Below are some of his notable achievements.

#### Notable Class Action Securities Cases:

- ◆ *In re Peregrine Systems, Inc. Sec. Litig.*, Civil Action No. 02-CV-870 J (RBB) (S.D. Ca. 2006, S.D. Ca. 2009) (Co-lead counsel for a Section 11 class action securities litigation achieving a recovery of \$117.5 million)
- ◆ *In re Geodyne Resources, Inc. Securities Litig.* (S.D.N.Y and Harris County Tex.) (Howard drafted and filed the initial complaint exposing securities fraud, ultimately achieving a recovery of \$125 million cash plus an additional \$75 million of contingent benefits)
- ◆ *In re Dreyfus Aggressive Growth Mutual Fund Litig.*, Master File No. 98 Civ. 4318 (HB) (S.D.N.Y.) (Co-lead counsel, achieving a recovery of \$18.5 million)
- ◆ *In re Rambus, Inc. Sec. Litig.*, Master File No. C-06-4346-JF (N.D. Cal.) (Co-lead counsel, achieving a recovery of \$18.33 million)
- ◆ *In Re: Biopure Corp. Sec. Litig.*, Docket No. 03-CV-12628 (NG) (D. Mass.) (Co-lead counsel achieving a cash recovery of \$10 million)
- ◆ *In re FleetBoston Financial Corp. Sec. Litig.*, Civ. No. 02-4561 (WGB) (D.N.J.) (Co-lead counsel achieving a Recovery of \$5.5 million in federal securities case brought pursuant the Section 11 of Securities Act of 1933)
- ◆ *In re Fidelity Holdings Sec. Litig.*, Case No. CV 00 5078 (CPS) (VVP) (E.D.N.Y.) (Co-lead counsel achieving a recovery of \$4.45 million)

- ◆ *Adam Burstyn v. Worldwide Xceed Group, Inc.*, Case No. 01 CV 1125 (GEL) (S.D.N.Y.) (Co-lead counsel achieving a recovery of \$4.4 million)
- ◆ *Miller v. Material Sciences Corp.*, Civil Action No. 97-CV-2450 (N.D. Ill.) (Co-lead counsel achieving a recovery of \$3.25 million)
- ◆ *In re Pharmaprint Inc. Sec. Litig.*, Civ. No. 00-61 (AJL) (D.N.J.) (Recovery of \$2.3 million)

#### **Current and Notable Consumer Class Action Cases:**

- ◆ *In Re Blackbaud Inc Customer Data Security Breach Litigation*, MDL 2972, Docket No. 3:20-mn-02972 (D.S.C.) (Court-appointed member of the Plaintiffs' Steering Committee on ongoing MDL case involving massive data breach of Blackbaud Inc. and counsel for a plaintiff asserting national and New Jersey based claims.)
- ◆ *In Re: Fisher-Price Rock 'n Play Sleeper Marketing, Sales Practices, and Products Liability Litigation*, Docket No. 1:19-md-02903 (W.D.N.Y.) (Counsel for proposed class representative in ongoing class action involving defective and dangerous Fisher Price Rock 'n Play Sleepers for infants.)
- ◆ *Thelan v. H.P.*, Docket No. 1:22-cv-00208 (D.Delaware) (counsel for a New Jersey plaintiff asserting New Jersey Consumers Fraud Act claims, among others, in a multi-state class action related to the purchase and use of certain models of Hewlitt Packard laptop computers with defective hinges.)
- ◆ *Chiarelli, et al. v. Nissan, N.A. and Duncan, et al. v. Nissan N.A.*, 14-CV-4327(NGG) (E.D.N.Y.) and 1:16-CV-12120-DJC (D. Mass.), these two parallel cases involve multi-state claims concerning defective timing chains on various Nissan model vehicles and involve claims in the states of Massachusetts, New York, New Jersey, Texas, Florida, North Carolina, Maryland, Colorado and Oregon. Final Approval was granted to the settlement on August 25, 2020, before Judge Denise Casper in the U.S. District Court for the District of Massachusetts. The settlement was valued at approximately \$8,650,00.
- ◆ *Sheris v. Nissan North America, Inc.*, 07-cv-2516 (WHW) (U.S. District Ct., D. New Jersey). Mr. Longman and his then firm served as Class Counsel for the class in this consumer class action before Judge William H. Walls against Nissan for alleged brake defect in the 2005 G35x model vehicle alleging New Jersey consumer claims, among others. The Court certified a New Jersey settlement class involved reimbursement amount to 100% of the cost of brake and rotor replacement or up to \$340 per brake. The court remarked in approving the settlement that plaintiffs' class counsel had achieved an excellent result for class members.
- ◆ *Szymczak v. Nissan North America Inc.*, 10-cv-07493-VB (S.D.N.Y.) (Co-lead counsel, achieving a recovery including cash and direct monetary benefits of approximately \$17 million on behalf of multi-state nationwide class of car owners or leases of Nissan Pathfinder, Xterra, or Frontier vehicles for damage to vehicles' transmissions caused by cross contamination of radiator fluid into the vehicle's



transmissions. The Class settlement involving over 300,000 vehicles was approved by the Court in 2013.)

- ◆ *Lubitz, et al. v. DaimlerChrysler Corp.*, BER-L-4883-04 (NJ Super., Bergen Cty) (Recovery valued at \$14.5 million to owners of Jeep Grand Cherokees, model years 1999 through 2004 for defective brake assemblies on behalf of a nationwide settlement class.)
- ◆ *In re: The Home Depot, Inc. Data Security Breach Litig.*, Case No.: 1:14-md-02583-TWT (N.D. Ga) (Member of the court-appointed Consumer Plaintiffs' Steering Committee, recovery of \$13 million to the settlement class and provision for 18 months of Identity Guard® Essentials monitoring services for settlement class members who had information compromised, plus attorneys' fees, costs, and expenses and Home Depot the costs of notifying the class and administering the settlement.)
- ◆ *In Re Anthem, Inc. Data Breach Litig.*, Case No. 15-MD-02617-LHK (N.D. Ca.) (Howard developed unique claims on behalf of current and former federal employees in a massive data breach of health insurer Anthem, Inc. and its multiple state subsidiaries involving theft of Anthem insureds' PHI and PII, including social security numbers and medical records; a proposed settlement between the plaintiffs and Anthem set up a \$115 million settlement fund and required Anthem to enhance its cybersecurity.)
- ◆ *Spillman v. Hiko Energy, LLC*, Docket No. 651798/2015 (N.Y. Sup Ct. May 21, 2015) (Recovery of \$2.1 million as part of *Chen v. Hiko Energy LLC*, Case No. 7:14-cv-01771 (SDNY)).

### Current Derivative Cases

- ◆ *In Re QuantumScape Corporation Stockholder Derivative Litigation*, 2-22-0490-JTL (Del Chancery) (Court appointed member of Plaintiffs' Executive Committee prosecuting claims on behalf of the company seeking damages and injunctive relief from directors, officers, and third party controlling entity Volkswagen related to ongoing federal securities class action which has survived a motion to dismiss and concerns misrepresentations and misuse of corporate information by insider traders in connection with the development and marketing of QuantumScape's proprietary solid state batteries.)
- ◆ *Karen Fox IRA, derivatively on behalf of DocuSign, Inc. v. Springer*, 3-22-cv-05343-WHO (N.D. Cal) (Representing plaintiff in a demand deferred derivative proceedings seeking damages and injunctive relief on behalf of DocuSign, Inc. in connection with misrepresentations by directors and officers that have been largely sustained in an ongoing federal securities class action and in connection with massive insider trading through the misuse of non-public adverse corporate information about DocuSign's products being able to retain their momentum and success during the Covid-19 pandemic post pandemic.)
- ◆ *Nachbaur v. Mahoney*, 1:23-cv-10750-FDS (D. Mass.) (representing plaintiff in action asserting derivative claims on behalf of Boston Scientific Corporation in

connection with misrepresentations about the development and success of its products Lotus and Lotus Edge used to treat aortic stenosis, a chronic and progressive heart disease.)

- ◆ *In Re Plug Power Stockholder Derivative Litigation*, Case. No.2022-KSJM (Delaware Chancery) (representing plaintiff in derivative action in connection with misrepresentations by corporate directors and officers and the misuse of corporate information by insider traders.)

**Howard T. Longman** has served as a class actions attorney for over thirty-five years and has obtained hundreds of millions of dollars in settlements for his clients. He previously was a senior counsel at the law firm Stull, Stull & Brody, and was named by Super Lawyers magazine as a Super Lawyer in 2014-2017. He has served as lead or co-lead counsel on numerous cases involving violations of federal securities laws, automobile safety, and other areas of consumer protection. He has served and is serving on Executive Committees in various matters involving the theft of highly sensitive personal information.

Howard grew up in Virginia, received his undergraduate degree from the University of Virginia and his J.D. from New York Law School in 1982. Before entering private practice, Howard served as law secretary to Judge Gloria Cohen Aronin of the Supreme Court of the State of New York, Kings County. In addition to English, Mr. Longman speaks Hebrew which he learned while acting as a volunteer in Israel teaching music and piano in a small development town.

#### **Bar Admissions:**

- ◆ State of New York
- ◆ State of New Jersey
- ◆ U.S. Court District of New Jersey
- ◆ U.S. Court Eastern District of New York
- ◆ U.S. Court Southern District of New York
- ◆ U.S. Court of Appeals for the First Circuit
- ◆ U.S. Court of Appeals for the Second Circuit
- ◆ U.S. Court of Appeals for the Third Circuit
- ◆ U.S. Court of Appeals for the Ninth Circuit

**Adam S. Longman** has served as law clerk and paralegal at Longman Law, P.C. since 2021. He previously interned for New York Supreme Court judge Anthony Cannataro and the law firms of Rosenbaum & Taylor, P.C. and White, Fleischer & Fino LLP. He received his B.A. from Washington University in St. Louis and his J.D. from the George Washington University Law School in 2018.

# EXHIBIT E

**New York Office:**

16 Squadron Boulevard, Ste. 106  
New City, New York 10956  
Tel: 845-356-2570  
Fax: 845-356-4335



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**KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C. (“KGG”)** has a nationwide class action practice and has litigated numerous cases involving complex business litigation, consumer class actions and securities class actions. The firm has litigated a number of cases resulting in reported decisions, including cases of first impression. The firm also has an active personal injury and medical malpractice practice, chaired by Barry S. Kantrowitz, and represents clients in mass tort actions.

**GARY S. GRAIFMAN** is a partner in the Firm and co-chair of the Consumer Class Action Litigation Group at KGG with Melissa R. Emert. Mr. Graifman specializes in the area of consumer and securities class action litigation. He is admitted to practice before the courts of the State of New York, the State of New Jersey, the United States Federal Courts for the Southern District of New York, the Eastern District of New York, the Northern District of New York, the District of New Jersey, the United States Court of Appeals for the First Circuit, Second Circuit, Third Circuit and the Eighth Circuit. He is also a member of the Class Action Committee of the New Jersey State Bar Association. Mr. Graifman is rated “AV-Preeminent” by Martindale Hubbell and has been nominated by Super Lawyers Magazine as a New Jersey Super Lawyer for 2010-2021. He has been a panelist and speaker on class action issues before various bar organizations including those sponsored by the Class Action Committee of the New Jersey State Bar Association and by the National Employment Lawyers Association, New York Chapter.

A sampling of some of the cases Mr. Graifman has recently been involved in include:

- *In re Volkswagen Timing Chain Products Liability Class Action*, 16-cv-2765 (JLL) (D.N.J.). Mr. Graifman and the Firm served as Co-Lead Counsel in this products liability class action which was settled on a nationwide basis on behalf of the owners and lessees of approximately 477,000 class vehicles. Final approval was granted to the Settlement on December 14, 2018. The Settlement provided one hundred percent reimbursement for timing chain repairs to class members and was valued at approximately \$50 million (inclusive of warranty extension repairs).
- *Schmidt, et al. v. Jaguar Land Rover Automotive PLC, et al.*, United States District Court for the District of New Jersey, Civil Action No. 18-cv-08528 CCC-JBC (appointed Co-Lead Counsel in a multi-state class action involving over 50,000 class vehicles and resulted in a settlement valued at approximately \$4 million).
- *Gelis, et al. v. Bayerische Motoren Werke Aktiengesellschaft, et al.*, Civ. Action No. 17-cv-7386-SDW-CLW (appointed Co-Lead Class Counsel in the class action involving approximately 575,303 BMW class vehicles alleged to have defective timing chains. Settled on a nationwide basis in the District of New Jersey with settlement valued between \$42 to \$64 million. Final approval was granted on February 16, 2021).

- *In re Home Depot Consumer Data Security Breach Litig.*, 1:14-MD-02583-TWT (N.D.Ga.). Mr. Graifman and the Firm served on the five member Plaintiffs' Steering Committee in this massive data breach consumer class action affecting approximately 50 million consumers which was settled on a nationwide basis in 2016. The settlement was valued at approximately \$27 million.
- *In re Premera Blue Cross Customer Data Security Breach Litig.* 3:15-md-2633 (D. Ore). Mr. Graifman and the Firm were one of the counsel in the *Premera Blue Cross Customer Data Breach* Matter, having done substantial and essential work in the case, which was given Final Approval in early March 2020. The firm's client was the sole named plaintiff and representative for the putative California state subclass. The California subclass asserted a claim under the California Confidential Medical Information Act, Cal. Civ. Code §§ 56, *et seq.* which was sustained by Court on a motion to dismiss. The matter settled and final approval was granted on March 2, 2020. Under the terms of the settlement approved, the California subclass was entitled to additional compensation as a result of the California CMIA claim.
- *Oliver, et al. v. Bayerische Motoren Werke Aktiengesellschaft, et al.*, 2:17-cv-12979-CCC-MF (D.N.J.). Mr. Graifman and the Firm served as Co-Lead Counsel on this case which involved defective electric coolant pumps on various BMW model vehicles. The matter settled and Final Approval was granted on March 9, 2021. The class includes approximately 575,000 vehicles. The Settlement is valued at approximately \$24 Million.
- *Coffeng, et al. v. Volkswagen Group of America, et al.*, 3:17-cvb—01825-JD (N.D. Cal.). Mr. Graifman and the Firm serve as Co-Lead Counsel on this consumer class action involving defective water pumps in a multitude of Volkswagen and Audi model vehicles. Final Approval was granted to the settlement on May 14, 2020. The case encompassed a nationwide class of owners and lessees of approximately 873,779 class vehicles and was valued at approximately \$22 million.
- *Chiarelli, et al. v. Nissan, N.A. and Duncan, et al. v. Nissan N.A.*, 14-CV-4327(NGG) (E.D.N.Y.) and 1:16-CV-12120-DJC (D. Mass.), these two companion cases involve multi-state claims concerning defective timing chains on various Nissan model vehicles and involve claims in the states of Massachusetts, New York, Texas, Florida, North Carolina, Maryland, Colorado and Oregon. Final Approval was granted to the settlement on August 25, 2020 before Judge Denise Casper in the U.S. District Court for the District of Massachusetts. The settlement was valued at approximately \$8,650,00.
- *Seifi, et al. v. Mercedes-Benz USA, LLC*, 3:12-cv-5495-TEH (N.D. Ca.). Mr. Graifman and the Firm served as co-lead counsel in this litigated consumer class action seeking reimbursement for repairs to various Mercedes model vehicles due to a balance shaft defect. The action settled on a nationwide basis in 2015, valued at approximately \$25 million.

- *In re Rambus Securities Inc. Litigation.*, 06-c-v4346-JF (U.S. District Ct., N.D. Cal.) Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this securities class action involving allegations of backdating of options. The matter was settled for \$18.33 million and approved on May 14, 2008.
- *Sheris v. Nissan North America, Inc.*, 07-cv-2516 (WHW) (U.S. District Ct., D. New Jersey). Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this consumer class action against Nissan for alleged brake defect in the 2005 G35x model vehicle. The Court certified a New Jersey settlement class which involved reimbursement of the cost of brake and rotor replacement up to \$340 per brake replacement.
- *Szymczak v. Nissan N. Am. Inc.* (S.D.N.Y.), Case No. 10-cv-0-7493 (VB) (U.S. District Ct., S.D.N.Y.). Mr. Graifman and the Firm served as co-lead counsel in this litigated consumer class action seeking reimbursement for repairs to Nissan Pathfinder, Xterra or Frontier vehicles caused by cross-contamination of radiator fluid with transmission fluid seeping into the transmission. The matter was settled with Defendants agreeing to extend the warranty to 100,000 miles or 10 years and pay for the repairs during that extended mileage and time period, subject to certain deductibles that applied. The nationwide class action settlement, which involved approximately 300,000 vehicles was approved by the Court in May 2013. The settlement was valued at approximately \$17 million.
- *Jermyn v. Best Buy Stores, L.P.*, 1:08-cv-00214 (CM) (U.S. District Ct., S.D.N.Y.). Mr. Graifman and the Firm served as Co-Lead Counsel in this litigated consumer class action certified as a New York consumer class by Hon. Colleen McMahon. The class consisted of Best Buy purchasers who were denied price match guarantees by Best Buy. The matter settled on a class-wide basis shortly before trial.
- *Lubitz, et al. v. DaimlerChrysler Corp.*, BER-L-4883-04 (New Jersey Superior Court, Bergen Co.) Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this consumer class action against DaimlerChrysler Corp. The Court certified a nationwide settlement class and approved a settlement valued at \$14.5 million to owners of Jeep Grand Cherokees, model years 1999 through 2004.
- *In re Trend Micro Class Action Litigation*, Case No. CV 11-02488 (RMW) (U.S. District Ct., N.D. Calif.). Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this consumer class action concerning the failure to provide the remaining time left on current trial subscriptions when the subscriber on the trial subscription converted to a paid subscription. The case was settled in 2013 and Final Approval of the settlement was entered November 15, 2013 by the Court granting subscribers cash refunds or credit towards their future subscriptions and changing the policy of the Company going forward.
- *In re Symantec Class Action Litig.*, 1-05-cv-053711 (Superior Ct. Of State of California, Co. Of Santa Clara) (Komar, J.). Mr. Graifman and the Firm served as Co-Lead counsel in this consumer class action involving the cut-off of subscription time when the subscriber to Norton's anti-virus software renewed or upgraded earlier than the end of the then-current



subscription. After the class was certified upon a litigated motion, the matter was settled for a cash payment or a voucher for further use with the anti-virus subscription (at the consumer's option), with the settlement valued in excess of \$5 million.

- *Lowrance, et al. v. Equinox International Corp.*, 2:99-cv-0969 (D.Nev.). Mr. Graifman and the Firm participated in trying a nationwide consumer class action case in the District of Nevada against multi-level marketing company, Equinox, International Corp. through the entire bench trial, and settling the matter on or about the last day of trial before Judge Johnnie B. Rawlinson, just prior to her elevation to the U.S. Court of Appeals for the Ninth Circuit. The matter was tried with other plaintiffs' counsel, who Mr. Graifman second-seated, and a multi-state Attorney General Task Force and resulted in the liquidation of Equinox and a settlement fund in excess of \$30 million to repay Equinox distributors.
- *In re: Painewebber Limited Partnership Litigation*, 94 Civ. 8547 (SHS) (S.D.N.Y.) Court approved a settlement involving a fund of approximately \$200 million dollars. This suit was first initiated by KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C. and two other firms in Texas. The case later expanded to cover a multitude of other claims and was settled in a consolidated New York action.
- *In re NICE Systems, Ltd. Securities Litigation*, Master File No. 2:01cv737 (JAG)(U.S. District Ct., D. New Jersey). Mr. Graifman and the Firm served as Liaison Counsel for the class in this securities fraud class action litigation which settled for \$10 million dollars and was approved by the Court on April 7, 2003.
- *Martinez v. District 1199J NEW JERSEY BENEFIT FUND, et al.*, Docket No. 97 cv 3381 (WJM) (U.S. District Court, D. New Jersey). Mr. Graifman and the Firm served as Lead Counsel in certified class action against Union Benefit Fund in which claims alleging violation of ERISA were upheld. The case was fully litigated to final judgment for the plaintiff class and thereafter, upon execution on the judgment was satisfied with full payment being made to reimburse class members 100% of their losses (Union Members received full reimbursement for all medical bills paid out-of-pocket during the class period).
- *In re PHARMAPRINT, Inc. Securities Litigation*, Master File No. 00cv61 (JAP) (U.S. District Ct., D. New Jersey). Firm was Co-Lead Counsel for the plaintiff class in this securities fraud class action which settled for \$ 2.3 million dollars in connection with claims against defendants.
- *Birenbaum v. John Hancock Mutual Life Ins. Co.*, L-1957-96 (N.J. Superior Court, Essex Co.). Mr. Graifman and the Firm served as Co-Counsel for the class in this securities fraud class action certified and settled as a nationwide class action in New Jersey State Court.
- *Maizes & Maizes, et al. v. Apple Computer, Inc., et al.* L-13780-95 (N.J. Superior Court, Essex Co.). **Mr. Graifman** and the Firm served as Liaison Counsel in consumer fraud class action pending in New Jersey State Court alleging misrepresentation in the sale of computer monitors by various computer monitor distributors. The action was related to In re: Computer Monitor, Proceeding No. 3158, pending in California Superior, San Francisco County. Joint efforts of negotiation resulted in a settlement which was approved by the California Court. The settlement was valued in excess of \$15 million dollars.

- *Goldberg v. IDM Environmental*, L-11783-96 (N.J. Superior Court, Middlesex Co. 1966) Securities fraud class action in New Jersey state court. Settlement included payment of \$1.125 million to nationwide claims of shareholders.
- *Amplidyne Inc. Securities Litig.*, 99-cv-4468 (D. New Jersey). Securities fraud class action litigation settled, alleging violations of Section 10(b) and Section 20 of the Exchange Act of 1934.
- *In re: Anadigics Securities Litigation*, 98 Civ. 917 (MLC) (D.N.J.) Securities fraud class action litigation alleging violations of Section 10(b) and Section 20 of the Exchange Act of 1934. The action was settled for approximate \$11.75 million dollars.

**MELISSA R. EMERT, ESQ.**, has been representing aggrieved stockholders and consumers for more than 30 years. Ms. Emert is a partner in the Firm and co-chair of the Consumer Class Action Litigation Group at KGG with Gary S. Graifman. Ms. Emert's practice focuses on consumer, antitrust and securities class actions. She has litigated cases throughout the United States and held prominent leadership positions in many large multidistrict litigations ("MDLs"). Melissa is a member of the New York State Bar and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York. Melissa graduated from Brooklyn Law School with a Juris Doctor in 1988 and received a Bachelor of Arts from the State University of New York at Stony Brook in 1985.

Examples of Ms. Emert's nationwide class action experience include:

- Court-appointed Co-Lead Counsel in *Carder v. Graco Children's Products, Inc.*, 2:20-cv-00137-LMM (N.D. Ga. 2021) (alleging state consumer protection and common law claims on behalf of consumers resulting from defendant's defective and allegedly unsafe children's car seat products);
- Court appointed Co-Lead Counsel in *In re: Daily Fantasy Sports Litig.*, 1:16-md-02677-GAO (D. Mass 2016) (alleging violations of state consumer protection statutes and common law claims on behalf of consumers participating in defendants' online fantasy sports websites).
- Court appointed member of plaintiffs' executive committee in *In re: Hill's Pet Nutrition, Inc. Dog Food Products Liability Litig.*, 19-md-2887 (D. Kan.) (alleging violations of state consumer protection statutes and common law on behalf of consumers who purchased dog food that contained toxic levels of Vitamin D).
- Discovery Committee in a court approved leadership structure in *In re: Rock 'N Play Sleeper Marketing, Sales Practices, and Products Liability Litigation*, 1:19-md-2903 (W.D.N.Y. 2019) (alleging violations of state consumer protection statutes and common law claims on behalf of consumers who purchased the defective and inherently unsafe Fisher-Price Rock 'n Play Sleeper for their infant children).



- Court appointed member of Plaintiffs' Steering Committee in *In re: Intel Corp. CPU Marketing and Products Liability Litig.*, 3:18-md-02828 (D. Or. 2018) (claims on behalf of Intel processor users that have been affected by Intel's alleged defective processors).
- Court appointed member of Plaintiffs' Executive Committee in *In re: Apple Inc. Device Performance Litig.*, 5:18-md-02827 (N.D. Cal. 2018) (claims on behalf of iPhone and iPad users that have been affected by the alleged intentional slowdown of the processors).
- Court appointed member of Plaintiffs' Steering Committee in *In re: German Automotive Mfr. Antitrust Litig.*, 3:17-md-02796 (N.D. Cal. 2017) (alleging anticompetitive conduct in the market for German-made automobiles).
- Court appointed member of Plaintiffs' Steering Committee in *In Re: Sonic Corp. Customer Data Sec. Breach Litig.*, 1:17-md-02807 (N.D. Ohio 2017) (claims on behalf of persons allegedly affected by Sonic's data breach resulted in a class wide settlement).
- Class Representative Communications and Client Vetting Committee in a court approved leadership structure in *Echavarria, et al. v. Facebook, Inc.*, C 18- 05982 (N.D. Cal. 2018) (claims on behalf of persons that have been allegedly affected by Facebook's "View As" data breach).
- Co-Chair of Plaintiffs' Vetting Committee in a court approved leadership structure in *In re Wawa, Inc. Data Breach Litigation*, No. 19-6019 (E.D. Pa. 2019) (claims on behalf of persons affected by Wawa's data breach and had their personal information compromised).
- Court appointed Interim Class Counsel in *In re: Google Location History Litig.*, 5:18-cv-05062-EJD (N.D. Cal. 2019) (a privacy breach action alleging Google tracked millions of mobile device users' geolocation after falsely representing that activating certain settings will prevent the tracking).
- One of three lead co-counsel in *Hughley, et al. v. Univ. of Central Florida Bd. of Tr.*, 2016-CA-001654-O (9th Judicial Circuit, Florida) (February 2016 data breach; settled November 2017, with UCF spending an additional \$1,000,000 annually to protect students' and employees' personal information).

Melissa also has developed and oversees the following litigation, among others:

- *County of Osceola v. Purdue Pharma Inc.*, 6:18-cv-00164 (M.D. Fl.); *County of Alachua v. Purdue Pharma Inc.*, 1:18-cv-00086-MW-GRJ (N.D. Fl.); *County of Palm Beach v. Purdue Pharma Inc.*, 50-2018-CA-004109 (N.D. Fl.) (each alleging opioid manufacturers and distributors defrauded the counties, among others, to generate improper revenue at the county's expense).
- *In Re: Uber Tech., Inc., Data Sec. Breach Litig.*, 2:18-ml-02826-PSG-GJS (C.D. Cal.) (alleging a failure to secure and safeguard riders' and drivers' personally identifiable information ("PII") caused 57 million driver and rider accounts to be compromised).

- *In Re: 21st Century Oncology Customer Data Sec. Breach Litig.*, 8:16-md-02737 (M.D. Fla.) (October 2015 data breach in which the PII of more than two million 21 Century patients was compromise).
- *Suvino v. Time Warner Cable, Inc.*, 1:16-cv-07046 (S.D.N.Y.) (settled action which alleged violations of the Americans with Disabilities Act by Time Warner).
- *Guariglia et al v. The Procter & Gamble Company*, 2:15-cv-04307 (E.D.N.Y.) (settled action which alleged violations of law in connection with P&G's design, manufacture, marketing, advertising, and selling of Tide Pods).

**WILLIAM T. SCHIFFMAN, ESQ.**, is a senior associate in the firm of Kantrowitz, Goldhamer & Graifman, P.C. Mr. Schiffman received his J.D. degree from Brooklyn Law School in 1974 and is admitted to practice in New York (1975), Texas (1976), and New Jersey (1981). Mr. Schiffman was Law Clerk to the Honorable Woodrow Seals, United States District Judge, Southern District of Texas from 1974-1977. In that position Mr. Schiffman was responsible for preparing decisions and orders on motions as well as observing trials and assisting Judge Seals in preparing finds of fact and conclusions of law.

From 1977-1979, Mr. Schiffman was associated with the law firm of Urban & Coolidge in Houston Texas. Mr. Schiffman's principal practice area was commercial litigation. From 1979 to 1985, Mr. Schiffman was an attorney for AT&T, first in the Long Lines Department in Atlanta, Georgia, and then in company headquarters in New Jersey. Mr. Schiffman's responsibilities were principally in the area of general litigation and the AT&T antitrust litigation prior to divestiture. From 1985 to 1993, Mr. Schiffman was with the law firm of Jacobi & Meyers, first as the managing attorney of several offices, then as New Jersey resident partner in charge of the northern New Jersey offices. The practice was principally in the area of litigation. From 1993 to date, Mr. Schiffman has been associated with Kantrowitz & Goldhamer, P.C., in New York, and its affiliate, Kantrowitz & Goldhamer in New Jersey. Mr. Schiffman's responsibilities are principally in the area of litigation including securities and employment class action, as well as complex contested matrimonial and general commercial litigation.